

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

MICHAEL CARBONI and	:	
C.O.M. TRADING, INC.,	:	06 Civ. 15488 (RJH)
	:	ECF Case
Plaintiffs,	:	
	:	AFFIDAVIT OF SERVICE
	:	OF ORDER TO SHOW
– against –	:	CAUSE
	:	
BOB LAKE and R.J. O'BRIEN &	:	
ASSOCIATES, INC.,	:	
Defendants.	:	

----- X

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

THOMAS J. BRENNAN, being duly sworn, deposes and says:

1. I am over 18 years of age and not a party to this action. I am an employee of Mayer, Brown, Rowe & Maw LLP, attorneys for defendants.
2. On February 11, 2008, in accordance with its terms of the ORDER TO SHOW CAUSE WITH INTERIM STAY dated February 11, 2008, I served:

A. The ORDER TO SHOW CAUSE WITH INTERIM STAY, with annexed (i) AFFIDAVIT (of Michael O. Ware) IN SUPPORT OF MOTION, BY ORDER TO SHOW CAUSE, TO STAY ARBITRATION PROCEEDINGS COMMENCED IN THE WRONG FORUM, sworn to February 7, 2008, with Exhibits A-F; and (ii) AFFIDAVIT OF ANNE M. FARRIS, sworn to February 7, 2008, and;

B. MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' MOTION, BY ORDER TO SHOW CAUSE, TO STAY ARBITRATION

PROCEEDINGS COMMENCED IN THE WRONG FORUM, dated
February 7, 2008,

on the following persons at the addresses specified:

Pierre Sussman, Esq.
2197 Seventh Ave.
New York, NY 10027

Harold P. Gewerter, Esq.
Gewerter & Associates
5440 W. Sahara Ave., 3d Fl.
Las Vegas, NV 89146

Herman Wun, Esq.
26 Broadway, 25th Fl.
New York, NY 10004

Michael J. Carboni
2911 E. Viking Rd.
Las Vegas, NV 89146,

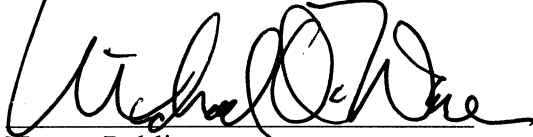
with an additional copy to:

Mr. Michael J. Carboni
3887 Pacific St.
Las Vegas, Nev. 89121,

via United Parcel Service Next-Day Air, by depositing copies thereof in properly sealed
and addressed wrappers into the custody of United Parcel Service, with appropriate
arrangements for next-day delivery. The waybills are annexed as an exhibit hereto.


THOMAS J. BRENNAN

Subscribed and sworn to before me
this 11th day of February, 2008.


Notary Public
MICHAEL O. WARE
Notary Public, State of New York
No. 02WA5069488
Qualified in New York County
Commission Expires May 1, 2011



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UPS Worldwide ExpressSM

Shipping Document

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TRACKING NUMBER 1Z 720 93W 22 1111 9465

1 SHIPMENT FROM

SHIPPER'S
UPS
ACCOUNT
NO.

72093W

REFERENCE NUMBER

06522-Ware-06156908

NAME

Michael Ware, Esq.

TELEPHONE

212-506-2707

COMPANY

MAYER BROWN LLP

STREET ADDRESS

1675 BROADWAY FLR 19

CITY AND STATE

NEW YORK

ZIP CODE

NY 10019-5820

2 EXTREMELY URGENT DELIVERY TO

NAME

Harold P. Gewerter, Esq.

TELEPHONE

COMPANY

Gewerter & Associates

STREET ADDRESS

5440 W. Sahara Avenue,

DEPT./FLR.

3rd Fl.

Residential
Delivery

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL)

Las Vegas, NV

ZIP CODE

89146



3

WEIGHT

WEIGHT
Enter "LTR" if Letter

DIMENSIONAL
WEIGHT
If Applicable

LARGE
PACKAGE

4 SHIPPER
RELEASE

5

TYPE OF
SERVICE

☒ NEXT DAY
AIR

☐ EXPRESS
(INT'L)

FOR WORLDWIDE EXPRESS SHIPMENTS
Mark an "X" in this box if shipment only
contains documents of no commercial value.

☐ DOCUMENTS
ONLY

6

OPTIONAL
SERVICES

☐ SATURDAY
PICKUP
See instructions.

☐ SATURDAY
DELIVERY
See instructions.

☐ DECLARED VALUE
FOR CARRIAGE
Contents are automatically
protected up to \$100. For declared
value over \$100, see instructions.

\$ AMOUNT

☐ C.O.D.
If C.O.D., enter amount to be
collected and attach completed
UPS C.O.D. tag to package.

\$ AMOUNT

7

ADDITIONAL
HANDLING
CHARGE

☐ An Additional Handling Charge applies for certain
items. See instructions.

8

METHOD
OF
PAYMENT

BILL
SHIPPER'S
ACCOUNT
NUMBER
☒

BILL
RECEIVER
☐

BILL THIRD
PARTY
DOMESTIC ONLY
☐

CREDIT
CARD
☐

American Express
Diner's Club
MasterCard
Visa

CHECK
☐

9

RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.

EXPIRATION
DATE

10

THIRD PARTY'S COMPANY NAME

11

STREET ADDRESS

12

CITY AND STATE

ZIP CODE

13

SHIPPER'S
SIGNATURE

X *[Signature]*

All shipments are subject to the terms contained in the UPS Tariff/Terms and Conditions of Service, which are available at ups.com and local UPS offices.

DATE OF SHIPMENT

0101911202609 1/07 S

SHIPPER'S COPY



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Shipping Document

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TRACKING NUMBER 1Z 720 93W 22 1111 9456

1 SHIPMENT FROM

SHIPPER'S
UPS
ACCOUNT
NO. **72093W**

REFERENCE NUMBER

06522-Ware-06156908

NAME

Michael Ware, Esq.

TELEPHONE

212-506-2707

COMPANY

MAYER BROWN LLP

STREET ADDRESS

1675 BROADWAY FLR 19

CITY AND STATE

NEW YORK

ZIP CODE

NY 10019-5820

2 EXTREMELY URGENT DELIVERY TO

NAME

Herman Wu, Esq.

TELEPHONE

COMPANY

STREET ADDRESS

26 Broadway, 25th Floor

DEPT./FLR.

Residential
Delivery ☐

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL)

New York, New York

ZIP CODE

10004



3

WEIGHT

WEIGHT
Enter "LIR" if Letter

DIMENSIONAL
WEIGHT
If Applicable

LARGE
PACKAGE
☐

4 SHIPPER
RELEASE
☐

5

TYPE OF
SERVICE

☒ NEXT DAY
AIR

☐ EXPRESS
(INT'L)

FOR WORLDWIDE EXPRESS SHIPMENTS
Mark an "X" in this box if shipment only
contains documents of no commercial value.

☐ DOCUMENTS
ONLY

6

OPTIONAL
SERVICES

☐ SATURDAY
PICKUP
See instructions.

☐ SATURDAY
DELIVERY
See instructions.

☐ DECLARED VALUE
FOR CARRIAGE
Contents are automatically
protected up to \$100. For declared
value over \$100, see instructions.

\$ AMOUNT

☐ C.O.D.
If C.O.D., enter amount to be
collected and attach completed
UPS C.O.D. tag to package.

\$ AMOUNT

7

ADDITIONAL
HANDLING
CHARGE

☐ An Additional Handling Charge applies for certain
items. See instructions.

8

METHOD
OF
PAYMENT

BILL
SHIPPER'S
ACCOUNT
NUMBER
☒

BILL
RECEIVER
DOMESTIC ONLY
☐

BILL THIRD
PARTY
CREDIT
CARD
☐

American Express
Diner's Club
MasterCard
Visa

CHECK
☐

9

RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.

EXPIRATION
DATE

10

THIRD PARTY'S COMPANY NAME

11

STREET ADDRESS

12

CITY AND STATE

ZIP CODE

13

The shipper authorizes UPS to act as forwarding agent for export control and customs purposes. The shipper certifies that these commodities, technology or software were
exported from the United States in accordance with the Export Administration Regulations. Diversion contrary to U.S. law is prohibited.

14

SHIPPER'S
SIGNATURE

[Signature]

15

All shipments are subject to the terms contained in the UPS Tariff/Terms and
Conditions of Service, which are available at ups.com and local UPS offices.

DATE OF SHIPMENT

16

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TRACKING NUMBER 1Z 720 93W 22 1111 9474

1 SHIPMENT FROM

SHIPPER'S
UPS
ACCOUNT
NO.

72093W

REFERENCE NUMBER

06522-Ware-06156908

NAME

Michael Ware, Esq.

TELEPHONE

212-506-2707

COMPANY

MAYER BROWN LLP

STREET ADDRESS

1675 BROADWAY FLR 19

CITY AND STATE

NEW YORK

ZIP CODE

NY 10019-5820

2 EXTREMELY URGENT DELIVERY TO

NAME

Michael J. Carboni

TELEPHONE

COMPANY

STREET ADDRESS

2911 E. Viking Road

DEPT./FLR.

Residential
Delivery ☐

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL)

Las Vegas, NV

ZIP CODE

89146




3	WEIGHT	WEIGHT Enter "LTR" if Letter	DIMENSIONAL WEIGHT If Applicable	LARGE PACKAGE <input type="checkbox"/>	4	SHIPPER RELEASE <input type="checkbox"/>
	5	TYPE OF SERVICE	<input checked="" type="checkbox"/> NEXT DAY AIR	<input type="checkbox"/> EXPRESS (INT'L)		CHARGES
6	OPTIONAL SERVICES	FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value.			7	
	8	METHOD OF PAYMENT	<input type="checkbox"/> SATURDAY PICKUP See instructions.	<input type="checkbox"/> SATURDAY DELIVERY See instructions.		9
9	TOTAL CHARGES	DECLARED VALUE FOR CARRIAGE Contents are automatically protected up to \$100. For declared value over \$100, see instructions.			10	
		C.O.D. If C.O.D., enter amount to be collected and attach completed UPS C.O.D. tag to package.				DATE OF SHIPMENT
An Additional Handling Charge applies for certain items. See instructions.			CHECK			
BILL SHIPPER'S ACCOUNT NUMBER			BILL RECEIVER	BILL THIRD PARTY DOMESTIC ONLY	CREDIT CARD	SHIPPER'S COPY
IN SECTION 1			RECORD ACCOUNT NO. IN SECTION 9		American Express Diner's Club MasterCard Visa	

The shipper authorizes UPS to act as forwarding agent for export control and customs purposes. The shipper certifies that these commodities, technology or software were
exported from the United States in accordance with the Export Administration Regulations. Diversion contrary to U.S. law is prohibited.

All shipments are subject to the terms contained in the UPS Tariff/Terms and
Conditions of Service, which are available at ups.com and local UPS offices.

0101911202609 1/07 S

 UPS Next Day Air[®] UPS Worldwide ExpressSM Shipping Document		3 WEIGHT WEIGHT Enter "LTR" if Letter DIMENSIONAL WEIGHT If Applicable LARGE PACKAGE <input type="checkbox"/>		4 SHIPPER RELEASE <input type="checkbox"/>	
See instructions on back. Visit UPS.com or call 1-800-PICK-UPS (800-742-5877) for additional information and UPS Tariff/Terms and Conditions.		5 TYPE OF SERVICE <input checked="" type="checkbox"/> NEXT DAY AIR <input type="checkbox"/> EXPRESS (INT'L) FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value. <input type="checkbox"/> DOCUMENTS ONLY		CHARGES \$	
TRACKING NUMBER 1Z 720 93W 22 1111 9483		6 OPTIONAL SERVICES <input type="checkbox"/> SATURDAY PICKUP See instructions. <input type="checkbox"/> SATURDAY DELIVERY See instructions. <input type="checkbox"/> DECLARED VALUE FOR CARRIAGE Contents are automatically protected up to \$100. For declared value over \$100, see instructions. \$ AMOUNT <input type="checkbox"/> C.O.D. If C.O.D., enter amount to be collected and attach completed UPS C.O.D. tag to package. \$ AMOUNT		\$	
1 SHIPMENT FROM SHIPPER'S UPS ACCOUNT NO. 72093W REFERENCE NUMBER 06522-Ware-06156908		7 ADDITIONAL HANDLING CHARGE <input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions.		\$	
NAME Michael Ware, Esq. TELEPHONE 212-506-2707 COMPANY MAYER BROWN LLP STREET ADDRESS 1675 BROADWAY FLR 19 CITY AND STATE NEW YORK ZIP CODE NY 10019-5820		8 METHOD OF PAYMENT BILL SHIPPER'S ACCOUNT NUMBER <input checked="" type="checkbox"/> IN SECTION 1 BILL RECEIVER DOMESTIC ONLY <input type="checkbox"/> BILL THIRD PARTY <input type="checkbox"/> CREDIT CARD <input type="checkbox"/> American Express Diner's Club MasterCard Visa CHECK <input type="checkbox"/>		\$	
2 EXTREMELY URGENT DELIVERY TO NAME Mr. Michael J. Carboni TELEPHONE COMPANY 3887 Pacific Street STREET ADDRESS DEPT./FLR. Residential Delivery <input type="checkbox"/> Las Vegas, NV 89121 CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) ZIP CODE		9 RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO. THIRD PARTY'S COMPANY NAME STREET ADDRESS CITY AND STATE ZIP CODE		EXPIRATION DATE	
10 SHIPPER'S SIGNATURE <i>X [Signature]</i>		The shipper authorizes UPS to act as forwarding agent for export control and customs purposes. The shipper certifies that these commodities, technology or software were exported from the United States in accordance with the Export Administration Regulations. Diversion contrary to U.S. law is prohibited.		DATE OF SHIPMENT 2/1/08	
All shipments are subject to the terms contained in the UPS Tariff/Terms and Conditions of Service, which are available at ups.com and local UPS offices.		0101911202609 1/07 S		SHIPPER'S COPY	

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TRACKING NUMBER 1Z 720 93W 22 1111 9438	
1 SHIPMENT FROM	
SHIPPER'S UPS ACCOUNT NO. 72093W	REFERENCE NUMBER 06522-Ware-06156908
NAME Michael Ware, Esq.	TELEPHONE 212-506-2707
COMPANY MAYER BROWN LLP	
STREET ADDRESS 1675 BROADWAY FLR 19	
CITY AND STATE NEW YORK	ZIP CODE NY 10019-5820
2 EXTREMELY URGENT DELIVERY TO	
NAME Pierre Sussman, Esq.	TELEPHONE
COMPANY	
STREET ADDRESS 2197 Seventh Avenue	
CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) New York, New York	ZIP CODE 10027
	
3 WEIGHT	4 SHIPPER RELEASE
5 TYPE OF SERVICE	6 CHARGES
7 ADDITIONAL HANDLING CHARGE	8 METHOD OF PAYMENT
9 RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.	
10 SHIPPER'S SIGNATURE	